

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-55, 57, 59-61, 63-65, 67-69, 71-73 and 75-85 remain pending. Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-55, 57, 59-61, 63-65, 67-69, 71-73 and 75-85 have been rejected.

Claims 1, 11, 20, 28, 37, 42, 47, 52, 57, 61, 65, 69, 73, 76, 79, 82, and 85 have been amended. No claims have been canceled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

**Rejections Under 35 U.S.C. § 112**

Claims 37-40, 42-45, 47-50, 52-55, 57, 59-61, 63-65, 67-69 and 71-72 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 37, 42, 47, 52, 57, 61, 65, and 69 to overcome the Examiner's rejection.

Therefore, Applicant respectfully submits that claims 37, 42, 47, 52, 57, 61, 65, and 69 are patentable under 35 U.S.C. § 112, second paragraph.

**Rejections Under 35 U.S.C. § 101**

Claims 28-31 and 30-36 have been rejected under 35 U.S.C. § 101 because the claim invention appears to be non-statutory subject matter.

Applicant has amended the paragraph of the Specification that starts on line 3 and ends on line 12, page 31 to overcome the Examiner's rejection.

Therefore, Applicant respectfully submits that claims 28-31 and 30-36 are patentable under 35 U.S.C. § 101.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-55, 57, 59-61, 63-65, 67-69, 71-73 and 75-85 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,628,303, to Foreman, et al. ("Foreman").

Applicant has amended claim 1 to include presenting on the display at least one enabled control element, which is capable of editing the information while presenting the capture information from the time based stream of information. The time based stream of information is currently being imported into the system.

The Examiner stated that "...Nonetheless, the user may still add shots and capture more video (col. 10, lines 6-35).....the editing system of Foreman can capture and edit video information at the same time; and, if the user sends direct signal to the camcorder for capturing video information..., the system will be importing the video information with the time line at the same time the user can switch to the editing mode, which means the edit mode is enable..." (Office Action, p. 17, 04/07/06).

Applicant respectfully disagrees.

Foreman discloses a plurality of separate user selectable interfaces for planning, capturing, and editing video. More specifically, Foreman discloses interface 54 for capturing video (Figure 8) and another interface 56 for editing the video. The interfaces 54 and 56 are selectable by tabs 2 and 3 respectively (Figures 4, 8, 9-13, col. 7, lines 16-20). These are separate interfaces. The interface 54 has a display area 120, storyboard region 134, and timeline 136

(Figure 8, col. 9, lines 20-60). A storyboard region 134 includes a title for the shot and a check box that indicates whether the data for the shot has been captured. Timeline 136 corresponds to the storyboard region 134. Foreman discloses that the user may select a shot in the storyboard region for capturing the associated video information (col. 10, lines 10-13).

The portion of Foreman cited by the Examiner discloses that

By capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video.

(Foreman, col. 10, lines 26-36) (emphasis added).

Applicant respectfully submits that the Examiner is construing Foreman improperly by concluding that "Nonetheless, the user may still add shots and capture more video (col. 10, lines 6-35)... means.....the editing system of Foreman can capture and edit video information at the same time". In the context of Foreman's entire disclosure, in which the capture mode and the edit mode are distinct and separate, it is clear that the Examiner's interpretation is improper.

Applicant understands the phrase "Nonetheless, the user may still add shots and capture more video" to mean that the user either can choose to display the editing the movie interface (and stop the capture process), or the user can choose to still continue to display the capturing video interface to add shots and capture more video. In other words, the word "Nonetheless" in this context means "OR"; Foreman does not teach in any meaningful way any suggestion that editing can be performed while presenting video as it is being captured. A proper interpretation of this portion of Foreman is simply this - - when the capture process has been completed, a message is displayed to tell the user to continue to the next separate phase, which is editing (in effect

selecting "OK" to move to the next phase) or the user can select "cancel" in that message to remain in the current phase of capturing.

The Examiner contends that "...the system will be importing the video information with the time line at the same time the user can switch to the editing mode, which means the edit mode is enable...." (Office Action, p. 17, 04/07/06).

Applicant respectfully disagrees. Foreman merely discloses displaying a tab for selecting the another interface, which is not capable of editing the information, in contrast to displaying of at least one enabled control element, which is capable of editing the information while presenting the capture information from the time based stream of information that is currently imported into the system, as recited in amended claim 1.

Because Foreman fails to disclose all limitations of amended claim 1, Applicant respectfully submits that amended claim 1 is not anticipated by Foreman under 35 U.S.C. § 102(e).

Because amended independent claims 11, 20, 28, 73, 76, 79, 82, and 85 contain the related limitations, Applicant respectfully submits that amended claims 11, 20, 28, 73, 76, 79, 82, and 85 are not anticipated by Foreman under 35 U.S.C. § 102(e).

Given that claims 2-4, 6-10, 12-14, 16-19, 21-23, 25-27, 29-31, 33-36, 75, 77-78, 80-81, and 83-84 depend, directly or indirectly from respective independent claims 1, 11, 20, and 28, and add additional limitations, Applicant respectfully submits that claims 1-4, 6-10, 12-14, 16-19, 21-23, 25-27, 29-31, 33-36, 75, 77-78, 80-81, and 83-84 are not anticipated by Foreman under 35 U.S.C. § 102(e).

Applicant has amended claim 37 to include that the capture information is displayed at a first rate that is not less than the transfer rate for the time based stream of information using an interrupt procedure. The interrupt procedure iterates at a second rate that is not less than the transfer rate of the time based stream of information. Foreman discloses that

Motion video information is captured using this interface 54, and is tied directly to a selected shot. Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information. After a user selects a shot, or if no shot is selected, the user may cause motion video information to be input to the computer by playing a portion of a videotape from a camcorder device. The input motion video data is displayed in display area 120. The user depresses button 124 to begin capture. The captured motion video information is stored in a data file on the hard disk of the computer system. The file name of that file is associated with the selected shot, if any, and corresponding clip in the storyboard and timeline. If no shot is selected, then a new media file is created in a library or directory of files. When the user has finished capturing the selected motion video information, the stop button 126 is depressed and the data file on the hard disk is closed.

By capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified.

(Foreman, col. 10, lines 6-31) (emphasis added)

Thus, Foreman merely discloses capturing the video information directly into the timeline that is performed by selecting a shot on the story board, depressing the button, so that the video information, which is automatically associated with the selected shot, is captured. Foreman fails to disclose displaying the information at a first rate, as recited in amended claim 1. Furthermore, Foreman fails to disclose transferring the information with a transfer rate. Further, Foreman fails to disclose using an interrupt procedure using an interrupt procedure that iterates at a second rate that is not less than the transfer rate of the time based stream of information, as recited in amended claim 37.

Thus, Foreman fails to disclose, teach, or suggest the following limitations of amended claim 37:

Displaying the capture information is displayed at a first rate that is not less than the transfer rate for the time based stream of information using an interrupt procedure that iterates at a second rate that is not less than the transfer rate of the time based stream of information.

Because Foreman does not disclose all limitations of amended claim 37, Applicant respectfully submits that amended claim 37 is not anticipated by Foreman under 35 U.S.C. § 102(e).

Because amended independent claims 42, 47, 52, 57, 61, 65, and 69 contain the related limitations, Applicant respectfully submits that amended claims 42, 47, 52, 57, 61, 65, and 69 are not anticipated by Foreman under 35 U.S.C. § 102(e).

Given that claims 38-40, 43-45, 48-50, 53-55, 59-60, 63-64, 67-68, and 71-72 depend, directly or indirectly from respective independent claims 42, 47, 52, 57, 61, 65, and 69, and add additional limitations, Applicant respectfully submits that claims 38-40, 43-45, 48-50, 53-55, 59-60, 63-64, 67-68, and 71-72 are not anticipated by Foreman under 35 U.S.C. § 102(e).

### Conclusion

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

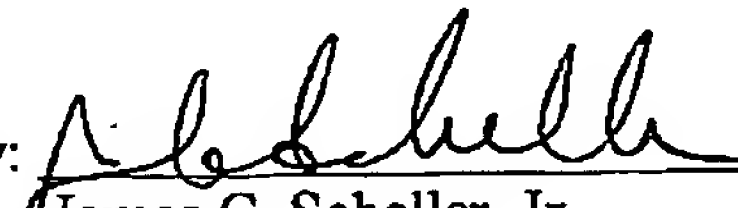
Respectfully submitted,

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